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March 17, 2009

Representative Rebecca Warren  
House Great Lakes and Environment Committee

Representative Doug Bennett  
House Department of Environmental Quality Appropriations sub-committee

Dear Chairpersons Warren and Bennett:

Thank you for the opportunity to present my thoughts on the Governor's proposal to return our wetland program to the federal government.

Some may say returning the wetland program back to the federal government will save the General Fund \$2 million a year, but in my mind it is a much more complicated issue. You can't ask the Senate or House Fiscal Agencies to make a calculation of all the various costs or savings because there are so many "off-ramps" to a correct answer.

First, let me say that if the Governor chooses to drop our wetland program purely because there is a need to save the Department \$2 million, I think there are probably other options we can consider in this same vein. For example, I know that there may be better options within the DEQ -- such as the hazardous waste program -- which we might be able to sacrifice to the federal government instead of the wetland program.

Having said that, I am here today to be an advocate for doing whatever we can to maintain the state's assumption of the federal wetland program so long as we can produce a program that protects the resource base and helps our business community at the same time.

There are numerous benefits to keeping wetland protection in Michigan, especially if the program is run properly and is science-based and objective. There are also reasons why it has stayed in Michigan so many years despite criticisms and complaint -- both the business community and the environmental community understand the value of working closely with a state agency. But that agency must produce results both in protecting the natural resources and providing a consistent and objective method for reviewing permits.

That is why I have begun discussions with both the conservation and the business communities to fully vet this issue and why hearings of this nature are so vitally important. Some of the questions we have already begun to look at include:

- What wetlands, such as those protected under current conservation easements, might not be protected under a federal program?
- What time delays may be the result of a move back to the federal government, and what awaits us in terms of added work for permitting if we do give up our assumption of the program? For example, the need for dual permitting in some cases even with the federal government running the program.
- What opportunities may there be to work with the academic community and programs like MSU Extension and our conservation districts? Can we delegate some of our state responsibilities in this area?
- What might happen in terms of expanding local wetland ordinances if the program is returned to the federal government? There are many who believe that local wetlands ordinances will increase greatly and that the state may be powerless to try to restrict them in any way.
- What opportunities may there be to improve the consistency of the state program with better training and more consistent funding?

I am gratified to learn of the potential to apply some of the lessons learned from our water withdrawal assessment process to wetland permitting. As you all know, our computer-based water tool was supported by both the conservation and business community because it helped to streamline the permitting process, provided objectivity and sound science to the process, and effectively protects our water resources.

I know that the Departments are working on a plan that will help us to more closely identify our essential wetlands around the state. This will give us better information on the origins and the functions that they serve and the importance of wetlands to our quality of life. In conjunction with the use of better training and more consistency in applying our wetlands standards, we may be on the verge of a real breakthrough in a new approach to both understanding our wetlands and what we need to do to keep them protected.

I will close by saying that we need to concentrate on this issue quickly. If there are potential improvements and reform in the wetland program (and I firmly believe that there are) we must act soon, because the Governor is poised to begin to return the program in early April. I believe we can craft an in-state solution, and I believe that there are many who share this vision -- both in the business and conservation communities -- and that we will all eventually be proud of the efforts we took to keep wetlands control in Michigan.

Sincerely,



Patty Birkholz  
State Senator  
Chair, Senate Committee on Natural Resources